

Frank De Mello  
Deputy Managing Director

Washington Office  
1100 M Street, N.W.  
902  
Washington, D.C. 20036-4502  
home: (202) 735-3355  
ex: (202) 452-1805  
email: info@lungusa.org  
internet: keyword ALA  
internet: www.lungusa.org

National Headquarters  
140 Broadway  
New York, NY 10019-4374

to R. Garrison  
Chief Executive Officer

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June 14, 2000

The Honorable Patrick Leahy  
US Senate  
Washington, DC 20510

Dear Senator Leahy:

The American Lung Association is strongly opposed to S. 353, the Class Action Fairness Act because of the adverse effect the bill would have on the ability of injured Americans to hold tobacco companies accountable in court. We support your amendment to exempt tobacco cases from this legislation.

Historically, state court class action litigation has been one of the most effective and efficient tools for injured citizens to gain access to the courts, particularly in cases where a defendant has injured a large number of people. Class action cases give plaintiffs the opportunity to consolidate their claims, making it financially possible for them to bring the case. The Engle case, currently underway in Florida, demonstrates the importance of maintaining this avenue for injured victims to hold the tobacco industry accountable.

It is to the advantage of tobacco defendants to have a case transferred from state to federal court. Federal courts have consistently been unwilling to certify classes of tobacco victims in class action suits. This bill would give Philip Morris, R.J. Reynolds and other tobacco corporations an additional and unwarranted tactical advantage by allowing them to remove state class actions to federal court against the will of the plaintiffs.

Class action lawsuits are one of the few ways that injured consumers can bring claims against the tobacco industry. The importance of these suits is clear in light of the industry's highly criticized attempt to wipe them out in the June 20, 1997, deal sought with the state attorneys general. This bill would provide the tobacco industry with a way to avoid liability, leaving thousands of injured consumers without compensation.

Sincerely,

John R. Garrison  
CEO